

Land Use and Planning Law (3 credits)

LAW-904-05-4222_syllabus

PLAN-605-75-4222_syllabus

SUST-695-75-4222_syllabus

UPA-678-75-4222_syllabus

Professor Tony Arnold

Course Syllabus

Spring 2022

I. Overview, Subject Matter, Student Learning Outcomes, Learning Methods

A. Basic Subject and Focus

This course examines legal issues related to planning and land use activities in the U.S. In particular, it explores the legal standards by which land use is regulated, planned, and controlled in the U.S. Students will study various legal and regulatory tools, including ordinances, state and federal legislation, and judicial decisions.

This class is a cross-listed class composed of graduate-level students in law, urban planning, urban and public affairs, sustainability, and other disciplines. It is a required class for students seeking the Master's degree in Urban Planning. Considerable attention will be given to planning perspectives on legal problems, as well as legal perspectives on planning problems, and thus has an interdisciplinary focus. The course also incorporates insights from geography, the social sciences, and the ecological sciences.

In this course, we give particular attention to how government regulators use legal and planning standards and factual evidence to make decisions about permissible and impermissible land use projects and how both developers and community-based organizations advocate for and against proposed projects. We will explore the extent to which problem-solving processes can occur in the context of formal legal procedures, such as hearings.

The course also has a strong and pervasive focus on the development of professional skills related to land use law and planning. Students will participate in and be evaluated on skills-based projects. The course satisfies 3 credits of the upper-level experiential education requirement for law students (but not the live-client experiential requirement). All students will work in interdisciplinary teams and develop teamwork skills.

B. Substantive Topics

The substantive topics to be covered include:

the structure of the land use regulatory system in the United States,

- planning and the comprehensive plan,
- zoning, including both traditional zoning and flexible zoning techniques,
- zoning interpretation and amendments,
- discretionary permitting and hearing procedures, including conditional use permits, variances, and subdivision maps,
- judicial review of land use decisions
- constitutional rights and standards as applied to land use, including substantive and procedural due process, equal protection, free-speech/free-expression, and religious-freedom/religious-exercise,
- discrimination in land use regulations and decisions,
- affordable and fair housing policies and inclusive zoning,
- growth management and controls,
- eminent domain, private property rights, and takings,
- vested rights,
- environmental justice and land use,
- environmental impact analysis, and
- environmental regulation of land use.

Foundational legal, policy, social, and planning concepts will pervade the coverage of these topics.

C. Student Learning Outcomes

Upon completion of the class, students will be able to:

- 1) Apply legal principles (including standards, rules, and codes) to land use problems accurately and effectively;
- 2) Apply planning principles (including the content of comprehensive plans) to land use problems accurately and effectively;
- 3) Apply facts/evidence and factual analysis to land use problems accurately and effectively;
- 4) Integrate legal principles, planning principles, and evidentiary facts to support a position on a land use problem, including making or proposing findings of fact that link law, planning, and evidence to proposed outcomes;
- 5) Communicate a position or argument on a land use problem clearly and effectively, whether as an advocate or as a decision maker, through:
 - a) written communication;
 - b) oral communication;
 - c) visual communication (i.e., use of graphics); and
 - d) reasoning;
- 6) Work well in teams with members from different disciplines and professions, particularly both planners and lawyers;
- 7) Develop creative possible solutions to land use problems;
- 8) Integrate multiple perspectives on land-use justice into advocacy and/or decision making;
- 9) Demonstrate cultural competence in addressing land use problems involving and effective diverse and marginalized peoples.
- 10) Incorporate land-use justice principles – including racial and social justice, environmental justice, resilience justice, and diversity, equity, and inclusion – into legal and planning analyses of land use problems, the design and implementation of permitting processes, advocacy, and decision making.
- 11) Reflect deeply on lessons learned from experiences participating in a land-use hearing, including:
 - a) strategies and tactics that worked well; and
 - b) strategies and tactics that should be changed in order to be more effective;
- 12) Integrate key concepts about land use planning, regulation, and law into reflections on lessons learned from experiences participating in a land-use hearing; and
- 13) Communicate effectively and professionally the lessons learned from experiences participating in a land-use hearing.

Measurement of Student Learning Outcomes: Student mastery of these knowledge, skills, and values are measured through assessment of three simulated land-use permit hearings and three reflection papers, using the grading rubrics contained in this Syllabus (see pp. 19 and 21).

D. Planning Program Accreditation Curriculum Elements Met In This Course

The knowledge, skills, and values highlighted in **green** are those for which Land Use and Planning Law provides student mastery and which have primary focus in this course. The knowledge, skills, and values highlighted in **yellow** are those for which Land Use and Planning Law provides either introductory exposure or some competency and which have secondary focus in this course. The knowledge, skills and values not highlighted are not covered in this course to any meaningful degree.

1) General Planning Knowledge: The comprehension, representation, and use of ideas and information in the planning field, including appropriate perspectives from history, social science, and design and other allied fields.

a) Purpose and Meaning of Planning: why planning is undertaken by communities, cities, regions, and nations, and the impact planning is expected to have.

b) Planning Theory: behaviors and structures available to bring about sound planning outcomes.

c) Planning Law: legal and institutional contexts within which planning occurs.

d) Human Settlements and History of Planning: growth and development of places over time and across space.

e) The Future: relationships between past, present, and future in planning domains, as well as the potential for methods of design, analysis, and intervention to influence the future.

f) Global Dimensions of Planning: interactions, flows of people and materials, cultures, and differing approaches to planning across world regions.

2) Planning Skills: The use and application of knowledge to perform specific tasks required in the practice of planning.

a) Research: tools for assembling and analyzing ideas and information from prior practice and scholarship, and from primary and secondary sources.

b) Written, Oral and Graphic Communication: ability to prepare clear, accurate and compelling text, graphics and maps for use in documents and presentations.

c) Quantitative and Qualitative Methods: data collection, analysis and modeling tools for forecasting, policy analysis, and design of projects and plans.

d) Plan Creation and Implementation: integrative tools useful for sound plan formulation, adoption, and implementation and enforcement.

e) Planning Process Methods: tools for stakeholder involvement, community engagement, and working with diverse communities.

f) Leadership: tools for attention, formation, strategic decision-making, team building, and organizational/community motivation.

3) Values and Ethics: Values inform ethical and normative principles used to guide planning in a democratic society. The Program shall incorporate values and ethics into required courses of the curriculum, including:

a) **Professional Ethics and Responsibility:** key issues of planning ethics and related questions of the ethics of public decision-making, research, and client representation (including the provisions of the AICP Code of Ethics and Professional Conduct, and APA's Ethical Principles in Planning).

b) **Equity, Diversity and Social Justice:** key issues in equity, diversity, and social justice that emphasize planners' role in expanding choice and opportunity for all persons, plan for the needs of the disadvantaged, reduce inequities through critical examination of past and current systems and disparities, and promote racial and economic integration.

c) **Governance and Participation:** the roles of officials, stakeholders, and community members in planned change.

d) **Sustainability and Environmental Quality:** environmental, economic, and social/political factors that contribute to sustainable communities, and the creation of sustainable futures.

e) **Growth and Development:** economic, infrastructure, social, and cultural factors in urban and regional growth and change.

f) **Health and Built Environment:** planning's implications on individual and community health in the places where people live, work, play and learn.

E. Basic Course Structure and Methods

In the Land Use Planning Law course, your learning will occur through five sets of methods:

1) **At the beginning of the semester**, you will share information about yourself and your thoughts about good and bad urban planning with your classmates (& Prof. Arnold) by: a) making a recording on **Flipgrid**, a Microsoft learning tool that will be linked to the course via Blackboard; and b) completing a **student information form** (available on Blackboard Assignments and via email) and submitting it by email to Professor Arnold at tony.arnold@louisvill.edu. You will also watch your classmates' Flipgrid videos to learn about them and their ideas about planning. Prof. Arnold will put together students in teams and disseminate the student information forms to the entire class via Blackboard and email early in the semester but after the add/drop period.

2) **Every week** (except the three weeks of graded simulated hearings), you will learn about legal and planning principles of land use, legal standards and procedures, examples of land use problems at the intersection of planning and law, and professional skills through: a) **assigned readings** available through Blackboard or online; and b) **recorded lectures** available through the Panopto page of the course Blackboard site, with accompanying PPTs (with PDFs of the PPTs available for download on Blackboard Assignments).

3) **Every week starting January 12** (except the three weeks of graded simulated hearings), you will develop and apply professional skills needed by planners, lawyers, and other land use professionals, through **in-person class meetings in the Breit Courtroom during scheduled class meeting time, discussions, practice exercises and simulations, detailed feedback (formative assessment), and meetings with your team** to prepare for the graded simulated hearings. These skills include interdisciplinary teamwork, decision making and problem solving, advocacy, use of facts/evidence, reasoning, and findings, effective communication, creative problem solving, cultural competence, and others. If you have to miss a class meeting, the way you can "catch up" on what you missed will depend on what we did in class. Some or all class sessions might be recorded, depending on the technology and the way the practice sessions are structured (still be worked out at the time this Syllabus is being written). You can ask your classmates to take notes and share them with you. You may need to meet with some or all of your teammates at a time other than the regularly scheduled class meeting time. **The in-person meetings and skill-development sessions will be based on the presumption that you will have already done the readings and watched the lectures; you may not know what's going on if you have skipped the lectures and readings.** If you're in a time crunch, watch the lectures

first and then do the readings only if you have time; the lectures are more critically important than the readings, although both are important.

4) **On February 9, March 9, and April 13**, you will apply the knowledge and skills that you've been learning to **three graded simulated hearings over land use approvals based on real-world land-use conflicts in Louisville, KY**: a) the West End Walmart (Planning Commission hearing on planning waivers); b) the Stapleton Ridge Subdivision by Floyd's Fork in Middletown (Planning Commission hearing); and c) a proposed U.S. Farmers Bio-industries bio-fuel processing plant in West Louisville (Board of Zoning Adjustment hearing on a conditional use permit). You will participate in these hearings with your team in assigned roles (Louisville Metro; applicant/developer; community members/advocates). For each hearing, you will receive the grade that your entire team receives, and you will receive detailed feedback. Through the weekly class meetings and the graded simulated hearings, you will improve your professional skills from novice levels to mastery levels by the end of the semester.

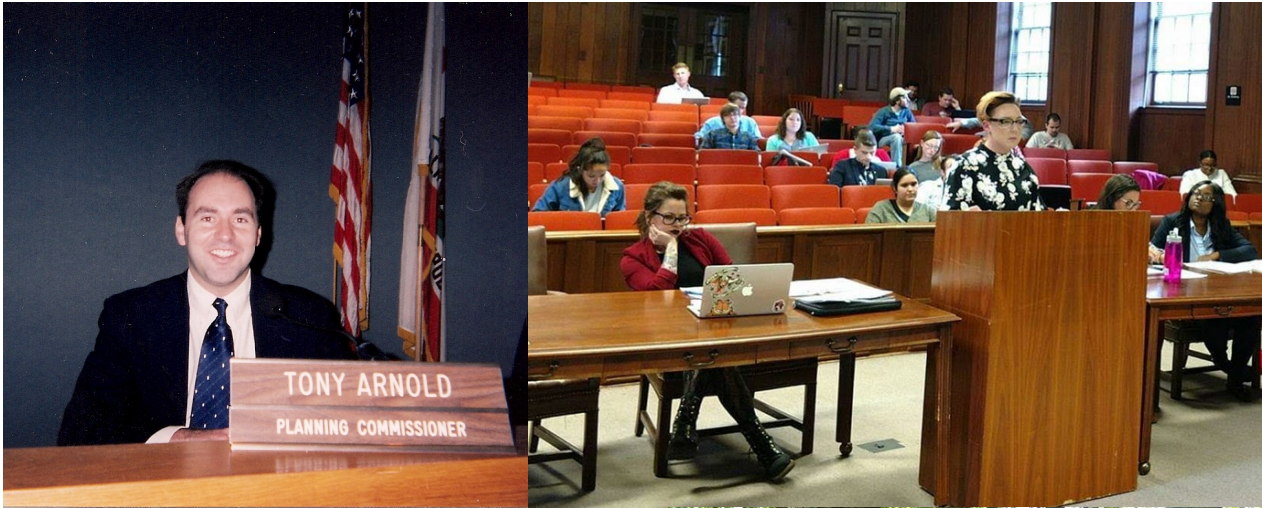
5) **Immediately after each graded simulated hearing**, you will write a **reflection paper on the lessons you learned from participating in the simulated hearing** (and observing your teammates' and other classmates' participation). Reflecting deeply on the lessons you're learning is essential to skill mastery, internalization of the lessons learned, and the development/reinforcement of life-long habits of learning and reflection.

In addition, I use a humanizing pedagogy – a set of principles about learning and teaching – in the classes I teach. The principles of a humanizing pedagogy are:

1. Teaching and learning are human-centered. Learning is a fundamentally and authentically human experience.
2. Teaching is learner-centered, characterized by empathy, care, and commitment to the well-being, dignity, and human development of each and every learner.
3. Teaching and learning are inclusive, supportive, and collaborative. Teaching and learning center the experiences of the marginalized and oppressed as parts of co-learning processes. A central message is that we are not alone.
4. Teaching and learning are justice-centered, including anti-oppression and anti-racism. Learners are enabled and empowered to seek justice in society. Learners consider how any of us can be both oppressor and oppressed.
5. Learners are enabled and empowered to see humans at the center of the work and life experiences for which the learners are preparing, such as human-centered lawyering.
6. Learning is active, experiential, community-engaged, and contextualized.
7. Teaching and learning are adaptive.

8. Mentoring of learners meets their core needs for human engagement with their educational, professional, and life journeys.

The following are photographs that depict land use planning and law issues, including a few photographs from past offerings of this class. Attribution to the sources of these photographs appears in the PPT slides throughout this semester, as each of these photographs appears as visual support for lessons being introduced in the lectures.





Fair and Healthy Land Use: Environmental Justice and Planning

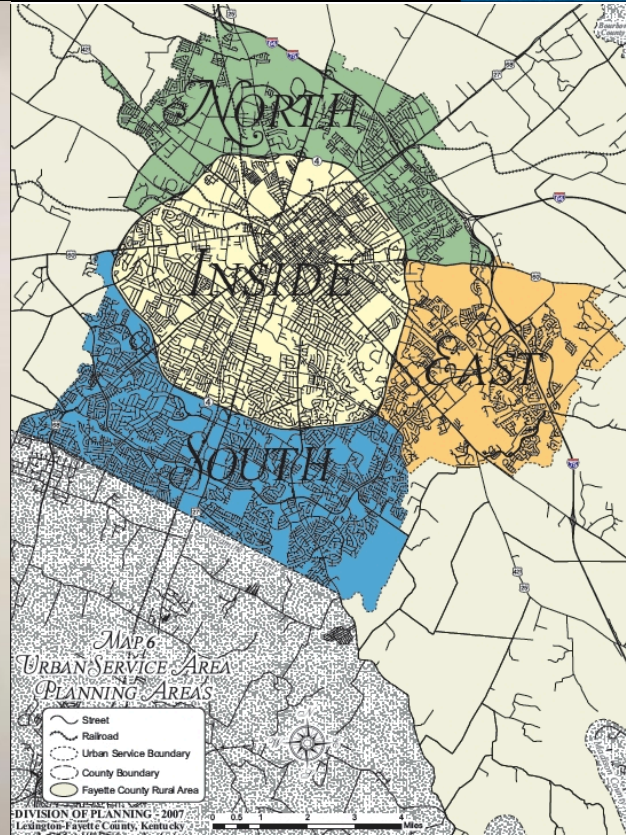
Craig Anthony Arnold

 American Planning Association
 Planning Advisory Service
 Report Number 549/550

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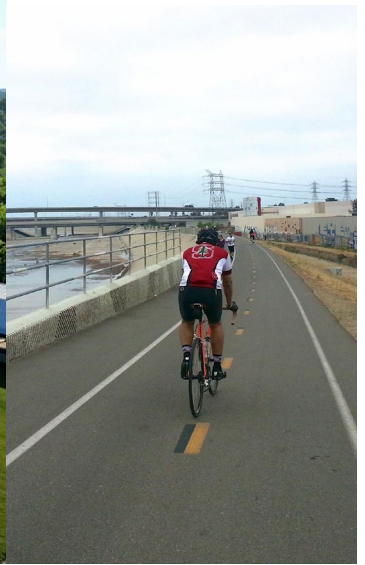
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II. Course Materials

There is no book to purchase for this course. All assigned materials, including Craig Anthony (Tony) Arnold, *Fair and Healthy Land Use: Environmental Justice and Planning* (American Planning Association 2007), will be provided to you for free on the course Blackboard site or in links to websites where they will be freely available. See the Assignments section of this Syllabus for the assigned course materials.

Furthermore, students may be expected to research various materials that will support their participation in the hearing simulations.

III. Course Projects and Evaluation

During the course, each student will participate in three different team projects that involve application of legal and planning principles to real-world land use problems and participation in simulated land-use hearings. The course grade will be based on team performances on these three projects and individual performances on three reflection papers (one for each project). There will be a total of 180 possible points in the course. Each hearing simulation performance is worth 40 points (a total of 120 points for all simulation grades), and each reflection paper is worth 20 points (a total of 60 points for all reflection papers). The simulation performance grades are team grades, whereas the reflection paper grades are individual grades. There is no exam in this course. All work in the course will be completed by April 18.

A. Hearing Simulations

Students will participate in simulations of three different Louisville Metro land-use hearings. One is on the West End Walmart (Planning Commission hearing on planning waivers). One is on the Stapleton Ridge Subdivision in Middletown (Planning Commission hearing). One is on a proposed U.S. Farmers Bio-industries bio-fuel processing plant in West Louisville (Board of Zoning Adjustment hearing on a conditional use permit). These simulations are based on real-world land-use conflicts. Students will be assigned to participate in teams of project applicants/developers, community-based opponents and/supporters, and local government officials (3 teams), and these assignments will not be subject to negotiation or change.

The simulated hearings will occur in the Allen Courtroom on the first floor of the Law School during class time on February 9, March 9, and April 13. Please note that any or all of these hearings could last longer than the scheduled class time and that students may need to stay late. Plan ahead. The team representing the government will be controlling the agenda and schedule, and will need to think about how to do so. Some of the hearings in reality lasted 4 hours.

Each team will receive a grade based on the quality of its participation in the hearing, and this grade will be the grade for each team member, regardless of individual effort or performance, according to the grading rubric provided below. Not all team members need to speak in order for a team to be effective and successful, but all team members need to contribute to the work of the team. Land use planning and law is an area in which teamwork is both a reality and a necessity, and this simulation (including evaluation on the overall team performance) is designed to give students the experience in

working effectively in interdisciplinary teams. Each team will need to think about how to structure its work, encourage cooperation, and discourage free-riding.

The grading rubric for each hearing simulation team performance is as follows:

Performance Standard	None	A little	Some	Much	Very Much	Comments
The team: Applies legal principles (including standards, rules, and codes) to land use problems accurately and effectively	0	2	3	4	5	
Applies planning principles (including the content of comprehensive plans) to land use problems accurately and effectively	0	2	3	4	5	
Applies facts/evidence and factual analysis to land use problems accurately and effectively	0	2	3	4	5	
Integrates legal principles, planning principles, and evidentiary facts to support a position on a land use problem, including making or proposing findings of fact that link law, planning, and evidence to proposed outcomes	0	2	3	4	5	
Communicates a position or argument on a land use problem clearly and effectively, whether as an advocate or as a decision maker, through: a) written communication; b) oral communication; c) visual communication (i.e., use of graphics); and d) reasoning	0	2	3	4	5	
Works well in teams with members from different disciplines and professions, particularly both planners and lawyers	0	2	3	4	5	
Develops creative possible solutions to land use problems	0	2	3	4	5	
Integrates multiple perspectives on land-use justice into advocacy and/or decision making	0	2	3	4	5	

B. Reflection Papers on Hearing Simulations

Each student will write a reflection paper on each simulated hearing that reflects on the important lessons that he or she learned from participating in the simulated hearing. In particular, each reflection paper should discuss three things: 1) strategies and tactics that worked well for the student's team; 2) strategies and tactics that the student would change in the future in order to be more effective; and 3) the key concepts about land use planning, regulation, and law that the student's team utilized in the hearing simulation.

Each reflection paper must be at least 4, but no more than 6, typed and double-spaced pages with 1-inch margins all-the-way around and 12-point type. Each reflection paper must be clear, well-organized, grammatically and mechanically correct, and professional in tone and quality of writing.

The student will need to make choices about what to address, given the space and time constraints. The student should focus on lessons actually learned. However, the following is an incomplete illustrative list of topics that could be addresses: the roles of interdisciplinary teamwork in the land use regulatory permitting process; the roles of evidence (facts, data, visual representations like maps and diagrams, etc.) in land use regulatory permitting processes; and the relationships between planning and law in land use regulatory permitting processes.

A reflection is not merely a narrative describing what happened. Instead, it deeply analyzes lessons learned from the experience.

Each reflection paper is due at 5:30 p.m. on the Monday immediately following the hearing simulation. Each reflection paper must be submitted in Word or PDF on Blackboard Assignments. Late papers (even one minute late) will have the points earned cut by 50% for up to 24 hours late. Any paper that is more than 24 hours late will receive a grade of zero.

The grading rubric for each reflection paper (individual) performance is as follows:

Performance Standard The student:	None	A little	Some	Much	Very Much	Comments
Reflects deeply on lessons learned from experiences participating in a land-use hearing, including strategies and tactics that worked well	0	2	3	4	5	
Reflects deeply on lessons learned from experiences participating in a land-use hearing, including strategies and tactics that should be changed in order to be more effective	0	2	3	4	5	
Integrates key concepts about land use planning, regulation, and law into reflections on lessons learned from experiences participating in a land-use hearing	0	2	3	4	5	
Communicates effectively and professionally the lessons learned from experiences participating in a land-use hearing	0	2	3	4	5	

IV. Class Meetings and Attendance

The class will meet from 5:30 to 8:30 pm on Wednesdays in the Breit Courtroom (Room 110) of the Law School (Wilson Wyatt Hall). The Law School building is locked and students will need to use their UofL ID cards on the swipe pads by the doors that have them to access the building at all times. The Law School administration is making arrangements with UofL Campus Safety and/or Cardinal Card office for the non-law students registered in this class to have access to the Law School building programmed automatically with their card. You must remember to bring your UofL ID card with you to campus on class meeting days.

Remote learning in the course (assigned readings, recorded lectures on Panopto on the course Blackboard page, and participation in class introductions & planning examples on Flipgrid) will begin the week of January 2.

The first in-person meeting of the course will be on Wednesday, January 12, 2022, in the Breit Courtroom/Room 110.

Participation in all three graded simulated hearings and in all class meetings is required. You will be learning by practicing skills in class, meeting with your team and the other teams in class, and participating in the simulated hearings during class time. This is an experiential active-learning class: you have to participate in order to learn and meet the course requirements. If you have to be absent, you must make arrangements with your teammates to participate in team meetings either remotely or at other scheduled times and contribute substantially and equally to the team's work for the hearing(s). This allows for some flexibility for a student who has a compelling reason for not being present for certain meetings or hearings, but only to the extent that their teammates feel that the absent student is participating in the team and making a substantial and equal contribution to the team. If it seems that you have "checked out" from the course, I reserve the right to have you administratively withdrawn from the course.

V. Important Dates: Hearings & Reflection Paper Due Dates

2/9, 5:30 p.m.

Hearing Simulation #1: West End Walmart, Breit Courtroom

2/14, 5:30 p.m.

Reflection Paper #1 due by 5:30 p.m. on Monday, February 14; Submit on
Blackboard Assignments

3/9, 5:30 p.m.

Hearing Simulation #2: Stapleton Ridge Subdivision, Breit Courtroom

3/14, 5:30 p.m.

Reflection Paper #2 due by 5:30 p.m. on Monday, March 14; Submit on
Blackboard Assignments

4/13, 5:30 p.m.

Hearing Simulation #3: US Farmers Biofuel Plant, Breit Courtroom

4/18, 5:30 p.m.

Reflection Paper #3 due by 5:30 p.m. on Monday, April 18; Submit on
Blackboard Assignments

VI. Office Hours

My office is Room 281 of Wyatt Hall (the Brandeis School of Law), my cell phone number is (502) 216-5534, and my email is tony.arnold@louisville.edu. Email is the best way to reach me. There will be abundant ways to meet with me during the semester, but whether those opportunities will be online (Teams, Blackboard Collaborate, Zoom, etc.) or in-person can't be determined at the time that this Syllabus is being written, due to increasing Covid and flu infection rates at this time and the obstacles to being able to plan on outdoors office hours in the winter months. One or more announcements addressing the days, times, and methods of office hours will be posted on Blackboard (and emailed to all students registered in the course at the time that the announcement is created) early in the semester, with possible changes and updates as the semester progresses. If you want to meet with me, please contact me by email so that we can make mutually agreeable arrangements.

VII. Use of Technology In Class

Students are reminded that all use of University technology and all behavior in classrooms must comply with University and Law School policies, the Student Conduct Code, and the Honor Code. Use of the Internet, including not only websites and images but also e-mail and instant messaging, for inappropriate purposes is not allowed. Any allegations of breaches of any such policies will be referred to the Law School administration for appropriate action.

VIII. Title IX/Clery Act Notification

Sexual misconduct (including sexual harassment, sexual assault, and any other nonconsensual behavior of a sexual nature) and sex discrimination violate University policies. Students experiencing such behavior may obtain confidential support from the PEACC Program (852-2663), Counseling Center (852-6585), and Campus Health Services (852-6479). To report sexual misconduct or sex discrimination, contact the Dean of Students (852-5787) or University of Louisville Police (852-6111).

Disclosure to University faculty or instructors of sexual misconduct, domestic violence, dating violence, or sex discrimination occurring on campus, in a University-sponsored program, or involving a campus visitor or University student or employee (whether current or former) is not confidential under Title IX. Faculty and instructors must forward such reports, including names and circumstances, to the University's Title IX officer.

For more information, see the Sexual Misconduct Resource Guide (<http://louisville.edu/hr/employeerelations/sexual-misconduct-brochure>).

IX. Accommodations

Students with disabilities who require accommodations must make those requests known to the Assistant Dean for Student Affairs and Diversity of the Law School, Dean Crystal Coel, crystal.coel@louisville.edu. These requests should be made as early as possible to allow time for referral to the University Disability Resource Center as needed. The DRC handles the evaluation of the documentation of the disability and the relationship to the requested accommodation. For more information on accommodations, see the Handbook for Students and Applicants with Disabilities on the Law School website. For more information regarding disability services, see <http://louisville.edu/disability/>.

X. Assignments, Recorded Lectures, Class Meetings, Hearings, & Reflection Papers

All readings and assignments are on the Assignments page of the course Blackboard site

Week of 1/2: Planning

Read: Chapters 1-3 in Craig Anthony (Tony) Arnold, *Fair and Healthy Land Use: Environmental Justice and Planning* (American Planning Association 2007), pp. 1-51.

Watch: Recorded lectures on Introduction to the Course and on Planning and Law on the Panopto page of the course Blackboard site.

Do: Record an introduction of yourself and a discussion of an example of good planning (including why it's good) and an example of bad planning (including why it's bad) on Flipgrid: details will be provided on Blackboard.

Do: Watch the recordings of your classmates' introductions of themselves and their planning examples on Flipgrid.

Do: Complete the Student Information Form available on Blackboard Assignments and submit it on Blackboard Assignments no later than 5:30 p.m. on Sunday, January 9.

No in-person class meeting this week.

Week of 1/9: Zoning

Read: a) Chapter 4 in Craig Anthony (Tony) Arnold, *Fair and Healthy Land Use: Environmental Justice and Planning* (American Planning Association 2007), pp. 53-82, and b) *Village of Euclid v. Ambler Realty*, 272 U.S. 365 (U.S. Supreme Court 1926).

Watch: Recorded lectures on Zoning on the Panopto page of the course Blackboard site.

Participate: Class meeting on 1/12, during which we will discuss and practice advocacy and framing skills, as well as application of planning principles, and you will have your first meeting with your assigned team.

Week of 1/16: Permits

Read: a) West End Walmart hearing assignment materials; b) Anaheim, CA, permits case studies; and c) *Neighbors for a Healthy Gold Fork v. Valley County*, 176 P.3d 126 (Idaho Supreme Court 2007).

Watch: Recorded lectures on Permits on the Panopto page of the course Blackboard site.

Participate: Class meeting on 1/19, during which we will discuss and practice teamwork skills, and you will meet with your team.

Week of 1/23: Due Process, Equal Protection, & Fair Housing

Read: a) Chapters 5-6 in Craig Anthony (Tony) Arnold, *Fair and Healthy Land Use: Environmental Justice and Planning* (American Planning Association 2007), pp. 83-99; b) *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (U.S. Supreme Court 1985); and c) *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (U.S. Supreme Court 2015).

Watch: Recorded lectures on Due Process, Equal Protection, & Fair Housing on the Panopto page of the course Blackboard site.

Participate: Class meeting on 1/26, during which we will discuss and practice process design and participation, and you will meet with your team.

Week of 1/30: Infrastructure and Politics

Read: a) Chapters 7-8 in Craig Anthony (Tony) Arnold, *Fair and Healthy Land Use: Environmental Justice and Planning* (American Planning Association 2007), pp. 101-145; and b) Craig Anthony (Tony) Arnold, "The Structure of the Land Use Regulatory System in the United States," *Journal of Land Use and Environmental Law*, Vol. 22, No. 2, pp. 441-523 (2007), available at: <http://ssrn.com/abstract=1020305>.

Watch: Recorded lectures on Infrastructure and Politics on the Panopto page of the course Blackboard site.

Participate: Class meeting on 2/2, during which we will discuss and practice the use of evidence (facts, data, visuals, etc.) and the formation of proposed findings of fact, and you will meet with your team.

Week of 2/6: Hearing Simulation #1

Hearing: 2/9, 5:30 p.m.: Hearing Simulation #1: West End Walmart, Breit Courtroom. (Reflection Paper #1 due on 2/14 by 5:30 p.m.).

Week of 2/13: Growth Controls

Write: Reflection Paper #1 due by 5:30 p.m. on Monday, February 14; Submit on Blackboard Assignments.

Read: a) Stapleton Ridge hearing assignment materials; b) *Golden v. Planning Board, Town of Ramapo* 324 N.Y.S.2d 178 (New York Appellate Division 1971); and c) *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency*, 535 U.S. 302 (U.S. Supreme Court 2002).

Watch: Recorded lectures on Growth Controls on the Panopto page of the course Blackboard site.

Participate: Class meeting on 2/16, during which we will discuss and practice advocacy, framing, evidence, and fact-findings skills, and you will meet with your team.

Week of 2/20: Environmental Regulation of Land Use

Read: a) Linda McCarthy, The brownfield dual land-use policy challenge: reducing barriers to private redevelopment while connecting reuse to broader community goals, 19 *Land Use Policy* 287–296 (2002); b) *United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121 (U.S. Supreme Court 1985); c) John Nolon, In Praise of Parochialism: The Advent of Local Environmental Law, 26 *Harvard Environmental Law Review* 365 (2002); and d) New Jersey Department of Environmental Protection, Division of Watershed Management, Riparian Buffer Conservation Zone Model Ordinance.

Watch: Recorded lectures on Environmental Regulation of Land Use on the Panopto page of the course Blackboard site.

Participate: Class meeting on 2/23, during which we will discuss and practice problem-solving and negotiation skills, and you will meet with your team.

Week of 2/27: Eminent Domain, Takings, and Private Property Rights

Read: a) *Kelo v. New London*, 545 U.S. 469 (U.S. Supreme Court 2005); b) *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (U.S. Supreme Court 1992); and c) *Dolan v. City of Tigard*, 512 U.S. 687 (U.S. Supreme Court 1994).

Watch: Recorded lectures on Eminent Domain, Takings, and Private Property Rights on the Panopto page of the course Blackboard site.

Participate: Class meeting on 3/2, during which we will discuss and practice communication, participation, and problem-solving skills, and you will meet with your team.

Week of 3/6: Hearing Simulation #2

Hearing: 3/9, 5:30 p.m.: Hearing Simulation #2: Stapleton Ridge Subdivision, Breit Courtroom (Reflection Paper #2 due on 3/14 by 5:30 p.m.).

Week of 3/13: Spring Break

Write: Reflection Paper #2 due by 5:30 p.m. on Monday, March 14; Submit on Blackboard Assignments.

No class meeting: Spring Break

Week of 3/20: Race and Land Use, Part 1

Read: a) US Farmers Biofuel Plant hearing assignment materials; b) *Buchanan v. Warley*, 245 U.S. 60 (U.S. Supreme Court 1917); and c) excerpts from Arnold, Powell, Fosl, & Rothstein, *Racial Justice in American Land Use* (forthcoming, Cambridge University Press).

Watch: Recorded lectures on Race and Land Use on the Panopto page of the course Blackboard site.

Participate: Class meeting on 3/23, during which we will discuss and practice cultural-competence, participation, advocacy, and justice-application skills, and you will meet with your team.

Week of 3/27: Race and Land Use, Part 2

View: a) storymap on race and planning/zoning in Louisville; b) storymap on race and redlining in Louisville; c) two online videos about environmental injustices in Louisville; and d) storymap on Lee's Land Landfill in Louisville.

Watch: Recorded lectures on Resilience Justice on the Panopto page of the course Blackboard site.

Participate: Class meeting on 3/30, during which we will discuss and practice cultural-competence, participation, advocacy, and justice-application skills, and you will meet with your team.

Week of 4/3: First Amendment and Land Use

Read: a) *Islamic Center of Mississippi Inc. v. City of Starkville*, 840 F.2d 293 (5th Circuit U.S. Court of Appeals, 1988); b) *City of Renton v. Playtime Theatres Inc.*, 475 U.S. 41 (U.S. Supreme Court 1986); and c) *Reed v. Town of Gilbert*, 576 U.S. 155 (U.S. Supreme Court 2015).

Watch: Recorded lectures on First Amendment and Land Use on the Panopto page of the course Blackboard site.

Participate: Class meeting on 4/6, during which we will discuss and practice any skills needing additional improvement, and you will meet with your team.

Week of 4/10: Hearing Simulation #3

Hearing: 4/13, 5:30 p.m.: Hearing Simulation #3: US Farmers Biofuel Plant, Breit Courtroom Reflection Paper #3 due on 4/18 by 5:30 p.m.).

Week of 4/17: Reflection Paper Due; Semester Ends

Write: Reflection Paper #3 due by 5:30 p.m. on Monday, April 18; Submit on Blackboard Assignments.

After April 18: Have an awesome summer break! Have fun, do good, and seek justice.